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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

NORTHERN DYNASTY MINERALS LTD.
and PEBBLE LIMITED PARTNERSHIP,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY and UNITED
STATES ARMY CORPS OF ENGINEERS,

Defendants.

Case No. 3:24-cv-00084-SLG

**UNOPPOSED MOTION TO ESTABLISH DATE FOR DEFENDANTS'
RESPONSE TO FIRST AMENDED AND SUPPLEMENTED COMPLAINT**

Defendants, the United States Environmental Protection Agency (“EPA”) and the United States Army Corps of Engineers (“Corps”), move to establish a date certain of September 27, 2024, for their response to the First Amended and Supplemented Complaint for Declaratory and Injunctive Relief (“First Amended Complaint”), ECF 91. This motion is unopposed and additional support for it is set forth below.

1. Plaintiffs filed their Complaint against EPA on March 15, 2024. ECF 1. EPA filed its Answer on May 20, 2024. ECF 43.

2. In June 2024, Plaintiffs moved for leave to file an amended and supplemented complaint, seeking to add a claim against the Corps as a defendant and to add numerous allegations to the Complaint. ECF 55.

3. This Court granted Plaintiffs’ motion for leave on August 15, 2024. Order Re Motion to Amend and Supplement Complaint (“Order”), ECF 90. Plaintiffs filed their First Amended Complaint on August 16, 2024.

4. The Court’s Order granting the motion for leave did not specify a date by which Defendants must submit their response, and the Federal Rules leave ambiguity regarding the timeframe for responding to a complaint adds a new party and is both amended and supplemented.

5. It would be beneficial to the parties and the Court to establish a date certain for Defendants’ response to the First Amended Complaint. In addition, Defendants require a reasonable amount of time to draft their response, particularly in light of the additional claim and the Corps’ addition to this case.

6. Accordingly, Defendants seek a date certain of September 27, 2024, to submit

their response to the First Amended Complaint. Plaintiffs and Intervenor-Defendants do not oppose this proposed deadline.

7. A proposed order is being submitted with this unopposed motion.

Respectfully submitted on August 29, 2024,

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